

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
8/8 Brightside Avenue, 165' W
of 671 Rosedale Heights Avenue
7423 Brightside Avenue
14th Election District
7th Councilmanic District
Harrison Bentley, Jr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-516-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 403 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard depth of 14 ft. in lieu of the required average of 27.5 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners, having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 46-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 403.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of August, 1991 that the Petition for a Zoning Variance from Section 403 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard depth of 14 ft. in lieu of the required average of 27.5 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the addition to be converted to a second dwelling unit and/or apartment.
3. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. ROBERT HAINEZ
Zoning Commissioner
for Baltimore County

JRH/mm

PETITION FOR RESIDENTIAL VARIANCE

91-516-A

TO THE HONORABLE COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plot attached hereto and made a part hereof, petition for a Variance from Section

Section 303 - to allow a front yard depth of 14' in lieu of the required average of 27.5'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following (Indicate hardship or practical difficulty)

COPY OF REASONS ATTACHED

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Harrison Bentley, Jr.

(Type or Print Name)

Signature

Address

City/State/Zip Code

Signature

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City/State/Zip Code

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City/State/Zip Code

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AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently reside at 7423 Brightside Ave.

Rosedale Heights, Baltimore, Co. 21237

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

Copy of reasons attached

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a recording and advertising fee and may be required to provide additional information.

Harrison Bentley, Jr.
Affiant (Handwritten Signature)

Gloria J. Bentley
Affiant (Handwritten Signature)

Harrison Bentley, Jr.
Affiant (Printed Name)

Gloria J. Bentley
Affiant (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31st day of May, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Harrison Bentley, Jr. and Gloria J. Bentley

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and took oath in the face of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

31 May, 1991

DATE

NOTARY PUBLIC

My Commission Expires: 5/1/94

ORDER RECEIVED FOR FILING
Date
By

ORDER RECEIVED FOR FILING
Date
By

ORDER RECEIVED FOR FILING
Date
By

477

91-516-A

ZONING DESCRIPTION

Beginning at a point on the south, side of Brightside Ave. which is 50 feet wide at the distance of (165 feet) (West) of the centerline of (Rosedale Heights Ave) which is (50 feet) wide. *Being lots # (85 & 86), in the subdivision of (Rosedale Heights) as recorded in Baltimore County Liber W,P,G, No. 7 Folio 160, containing (7555) square feet. Also known as (7423 Brightside Ave.) and located in the # (14) Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: Date of Posting:
Posted for:
Petitioner:
Location of property:
Location of Signs:
Remarks:
Posted by: Signature Date of return:
Number of Signs:

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-8150
Number

Date

6/1/91

Item 477

FOR THE HEARING FEE
FOR RECORDING VARIANCE FEE
FOR POSTING SIGNAGE & ADVERTISING
TOTAL: \$60.00

LAST NAME OF OWNER: BENTLEY

Please Make Checks Payable To: Baltimore County 91-516-A-10-91

\$60.00

Receipt Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

August 7, 1991

Mr. and Mrs. Harrison Bentley, Jr.
7423 Brightside Avenue
Baltimore, Maryland 21237

RE: Petition for Residential Zoning Variance
Case No. 91-516-A

Dear Mr. and Mrs. Bentley:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mm
enc.
cc: Peoples Counsel

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 18, 1991

Harrison Bentley, Jr.
Gloria J. Bentley
7423 Brightside Avenue
Baltimore, MD 21237

RE: Petition Filed in Zoning Office
Item Number 477

Dear Petitioner:

This letter is to inform you that, due to a technical problem, your Petition for Residential Variance has not been placed on the agenda for the week of June 25, 1991. According to our records, this Petition was filed on June 10, 1991 with Laurence J. Goetz.

In order for this Petition to be placed on the next agenda, you must contact Mr. Goetz at 887-3391 to rectify the problem.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:scj



111 West Chesapeake Avenue
Towson, MD 21204

July 20, 1991

887-3354

Harrison and Gloria Bentley
7423 Brightside Avenue
Baltimore, Maryland 21237

COPY

Re: CASE NUMBER: 91-516-A
LOCATION: 5/8 Brightside Avenue, 165' W of c/l Rosedale Heights Avenue
7423 Brightside Avenue

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 21, 1991. The closing date is August 5, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(410) 887-3391

Plat to accompany Petition for Zoning Variance Special Hearing

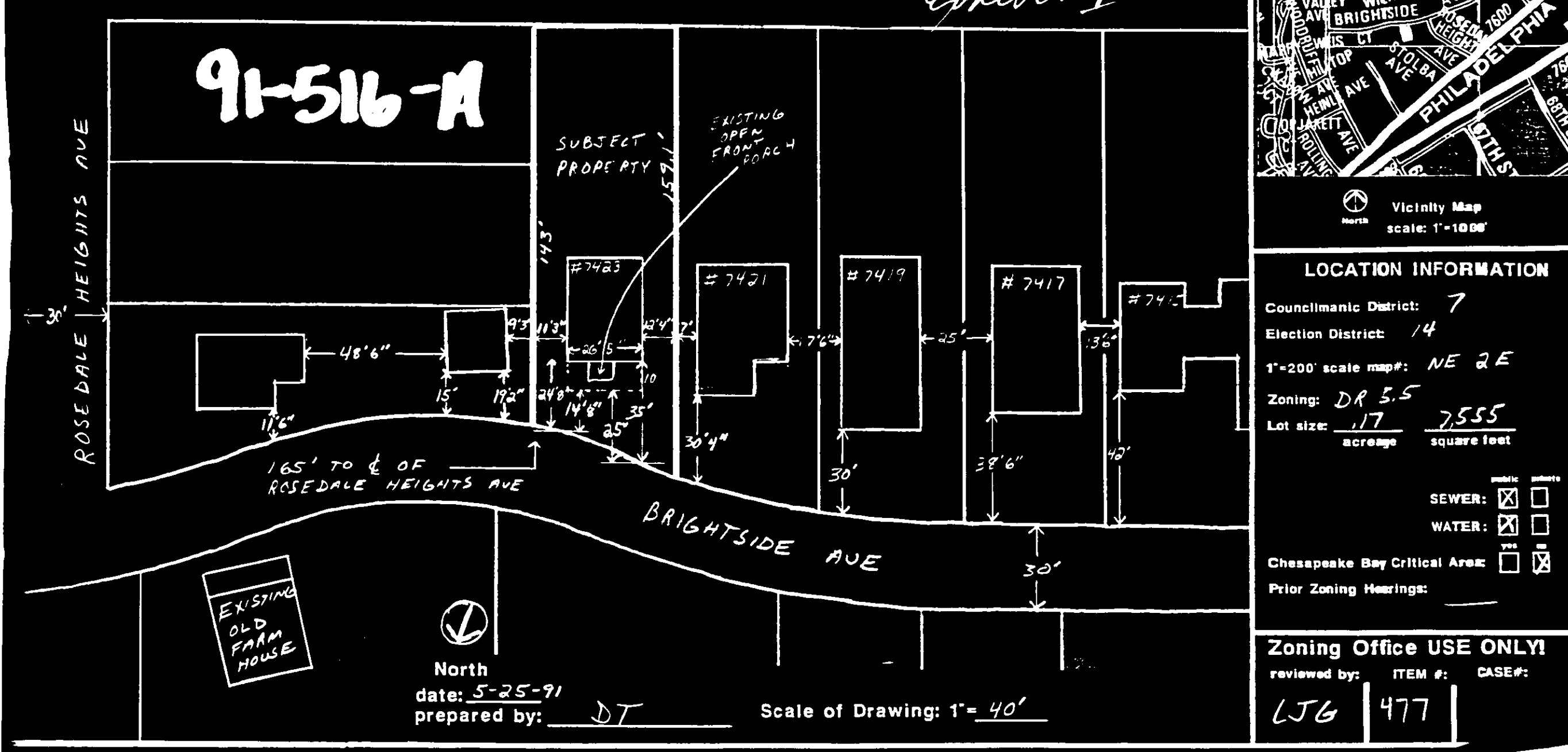
PROPERTY ADDRESS: 7423 BRIGHTSIDE AVE. 100-21237 see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: ROSEDALE HEIGHTS

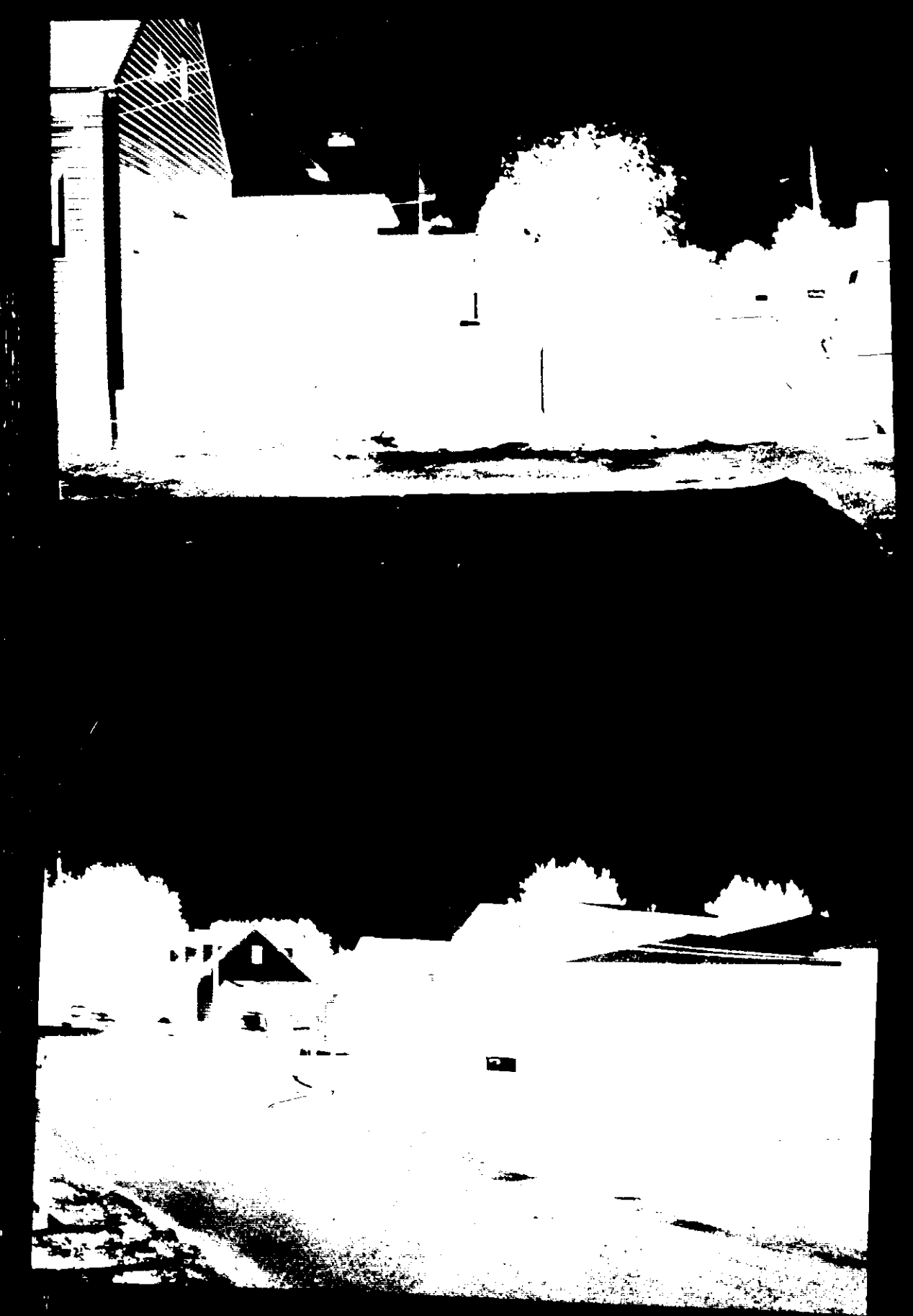
plat book # 2, folio 162, lot # 85/96 section #

OWNER: HARRISON + GLORIA BENTLEY

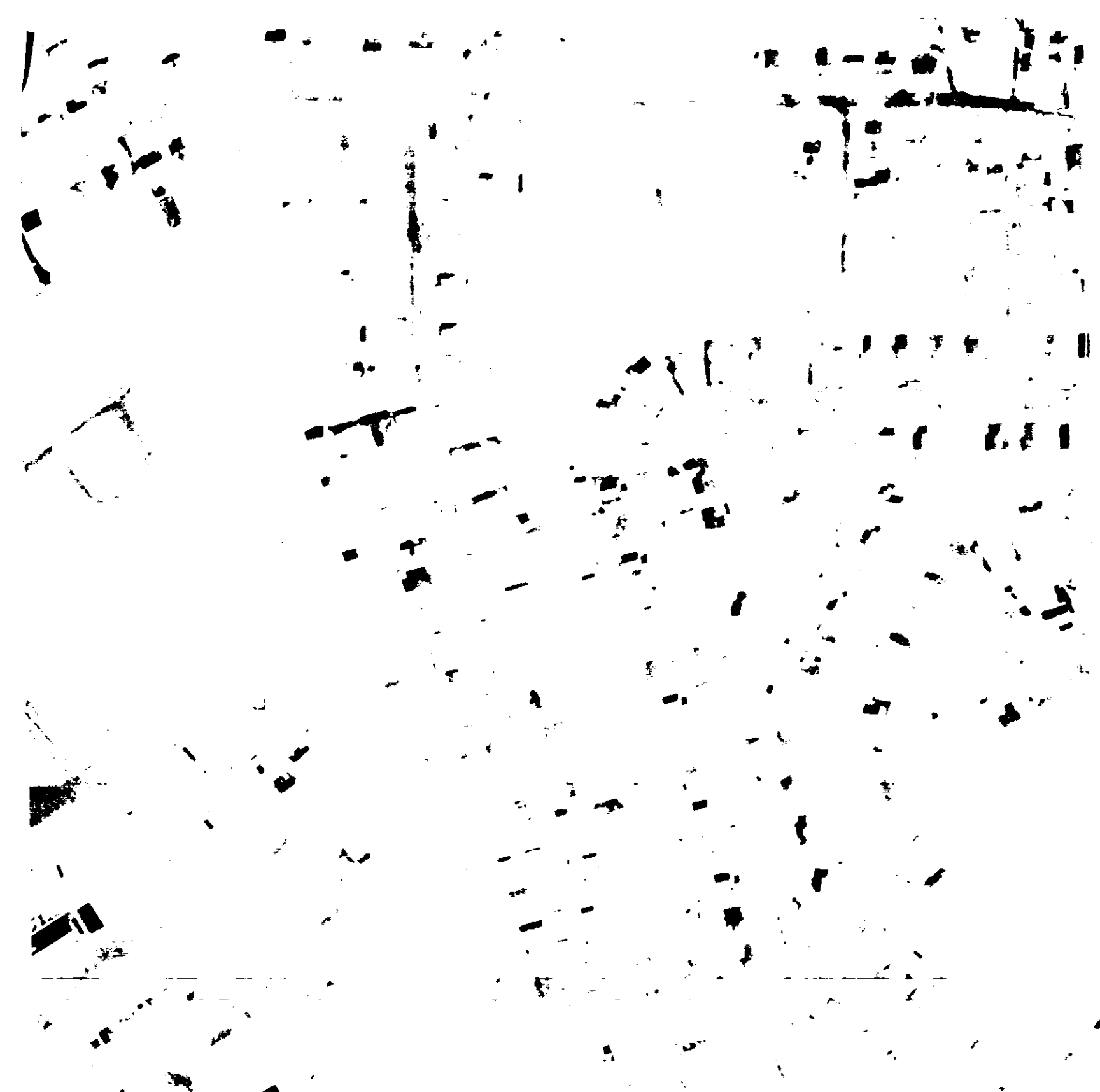
Petitioners Exhibit 1



CASE NUMBER **91-516-A**
PETITIONER'S EXHIBIT # **2**



CASE NUMBER **91-516-A**
PETITIONER'S EXHIBIT # **3**



SCALE: 1" = 200' ±

LOCATION: ROSEDALE

SHEET: NE 2-E

DATE OF PHOTOGRAPHY: JANUARY 1986

91-516-A

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